

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AMERICAN FEDERATION OF MUSICIANS,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:15-mc-00122-M-BN
)	
SKODAM Films, LLC,)	Principal case pending in the
)	United States District Court for the
)	Central District of California
)	Case No. 2:15-cv-04302-DMG-PJW
)	
Defendant/Non-Party.)	

**SKODAM FILMS, LLC’S RESPONSE IN OPPOSITION TO
AMERICAN FEDERATION OF MUSICIANS’ MOTION TO COMPEL**

SKODAM Films, LLC (“SKODAM”), a non-party to the underlying lawsuit, respectfully submits this response in opposition to the American Federation of Musicians of the United States and Canada’s (“AFM”) motion to compel. In support of its Response, SKODAM states the following:

1. AFM has sued Paramount Pictures Corporation (“Paramount”) in California. The lawsuit involves the movie *Same Kind of Different as Me* (“the Movie”). SKODAM, who is not a party to the lawsuit, produced the Movie. Nonetheless, AFM alleges in its suit that that the Movie was produced by Paramount and that the scoring for the Movie was not done in accordance with the terms of a collective bargaining agreement to which AFM and Paramount are parties.

2. AFM served SKODAM with a subpoena issued in the California case. The subpoena is overly broad and unduly burdensome on its face, as it seeks any document that could

have ever been created or received by SKODAM, including privileged, proprietary, and protected documents.

3. Moreover, the subpoena failed to provide SKODAM with reasonable time to comply with its demands.

4. For these reasons, SKODAM respectfully requests that this Court deny AFM's motion to compel or, in the alternative, modify the subpoena and enter a protective order with regard to proprietary and trade secret documents.

5. Furthermore, because AFM failed to take steps to avoid imposing an undue burden and expense on SKODAM, SKODAM respectfully requests that the Court require AFM to pay SKODAM's attorneys' fees and costs associated with the unduly burdensome subpoena and AFM's motion to compel.

6. Contemporaneous with the filing of this response, SKODAM submits its memorandum brief and appendix in support of its response.

ACCORDINGLY, SKODAM respectfully requests this Court to quash the subpoena served on it by AFM, or in the alternative, modify it, enter a protective order, and require AFM to pay for SKODAM's costs associated with responding to the subpoena and to AFM's motion to compel. SKODAM respectfully requests such other relief as this Court deems appropriate.

Dated: November 23, 2015.

Respectfully Submitted,

SKODAM Films, LLC

/s/ Michael Merrick

One of its Attorneys

OF COUNSEL:

Michael Merrick
Texas Bar No. 24041474
CANTEY HANGER LLP
1999 Bryan Street, Suite 3300
Dallas, Texas 75201
Telephone: (214) 978-4100
Facsimile: (214) 978-4150
mmerrick@canteyhanger.com

Stephen J. Carmody (*pro hac vice application to be filed*)
Karen E. Howell (*pro hac vice application to be filed*)
Lauren O. Lawhorn (*pro hac vice application to be filed*)
BRUNINI, GRANTHAM, GROWER & HEWES, PLLC
Post Office Drawer 119
Jackson, Mississippi 39205
Telephone: (601) 948-3101
Facsimile: (601) 960-6902
scarmody@brunini.com
khowell@brunini.com
llawhorn@brunini.com

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court by using the CM-ECF system.

This the 23rd day of November, 2015.

/s/ Michael Merrick
Michael Merrick